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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,846	02/03/2004	Olaf Muller	7100-X04-025CIP (NEW)	9733
27317 7590 05/02/2007 FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO 21355 EAST DIXIE HIGHWAY SUITE 115 MIAMI, FL 33180			EXAMINER CULBRETH, ERIC D	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/771,846		MULLER, OLAF	
	<b>Examiner</b>		<b>Art Unit</b>	
	Eric Culbreth		3616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38, 40-45, 47-75 and 77-86 is/are pending in the application.
- 4a) Of the above claim(s) 28-37, 55-57, 62, 63, 65-67, 69, 74, 75 and 82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27, 38, 40-45, 47-54, 58-61, 64, 68, 70-73, 77-81 and 83-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Contrary to the remarks on page 30 of the 2/12/07 response, the two PCT documents were not attached to the response (they were not scanned into the Patent Office's electronic file).

### ***Drawings***

2. The drawings were received on 2/12/07. These drawings are approved.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the material deforming bolts (claim 7), driver's size, weight and posture and height sensors (claims 8 and 27), and electrical and optical switch (claims 13-14 and 25-26) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Regarding applicant's remarks on 2/12/07, the bolts shown do not deform material (i.e., the recitation of "material deforming bolts" is a misnomer); Figure 2 does not show the claimed sensors, especially height and size sensors; electrical and optical switches are not shown in the drawings and do not appear to be even mentioned in the specification.

#### ***Election/Restrictions***

4. Claim 62 is withdrawn as per the remarks on page 41 of the 2/12/07 response.
5. Also, in the first Office Action, claims 67 and 69 should have been indicated as withdrawn because they depend from nonelected claims 63 and 56 respectively. These claims are also withdrawn as being ultimately drawn to a nonelected species.

#### ***Specification***

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

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of the following is required: There is no support in the specification for size, weight, height and posture sensors (claims 8 and 27). Contrary to applicant's remarks filed 2/12/07, these are not disclosed in Figure 2 nor in paragraph 47. There is no support in the specification for claims 13-14 nor claims 25-26.

7. The disclosure is objected to because of the following informalities:

- a. In paragraph 61, line 2 as amended on 2/12/07, "if" should be "of".
- b. Regarding paragraph 72, last line as amended on 2/12/07, it is not clear what "examples" in the figures are meant.
- c. In paragraph 73, line 5 as amended on 2/12/07, "general" should be deleted (this is new matter; there is no support in the original disclosure of "general" form).
- d. In paragraph 87, line 5 as amended 2/12/07, "column" should follow "steering".
- e. In paragraph 87, lines 3-5 as amended 2/12/07, there is an incomplete sentence.
- f. Regarding paragraph 87, line 5 as amended 2/12/07, it is not clear what "the pointed wall" is in the invention. Applicant's remarks filed 2/12/07 do not explain this adequately; it is also noted that should a patent issue, the skilled artisan would not have the remarks to help in understanding the specification. The specification itself should be clear about this structure..

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-27, 38, 40-45, 47-54, 58-61, 64, 68 70-73, 77-81 and 83-86 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding paragraph 55, lines 1-4, it is not clear what igniting only the charge in bolt 11 will do. (Bolt 10 is closer to where deformation will occur in Figure 2). Applicant's remarks filed 2/12/07 do not clarify how destroying the bolt 11 will change the load absorbency over having the bolt there, since bolt 10 is closer to where the sheet of metal deforms. Since bolt 10 is closest to where the sheet of metal is being deformed, destroying a connection on the opposite side of bolt 10 (i.e., bolt 11) would not effect how the sheet absorbs energy.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 7-8, 10, 19-20, 22, 38, 40-45, 47-54, 58-61, 64, 68, 70-73, 81 and 84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

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particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claims 7 and 19, "material deforming bolts" is not understood from the specification (as noted above, this term is a misnomer, as the bolts do not deform the material, but apparently affect the deforming of the material; hence the term is not accurate to the invention).

b. The recitation in claim 8 of sensors sensing driver's seat position is a double inclusion of the sensors already recited in claim 1(c).

c. Similarly, in claim 8, it is not clear how the sensors provide outputs about the driver's seat position in addition to driver posture (this appears to be a double inclusion).

d. In claim 10, line 3 there is no clear antecedent basis for "the steering wheel" (claim 1 never positively recited a steering wheel).

e. Subparagraph c above applies to claim 20 also.

f. In claim 22, line 3 there is no clear antecedent basis for "the steering wheel".

g. In claim 38, line 6 is currently inaccurately worded (the text states "the steering column that is arranged in a plurality of different...configurations", when it is actually the coupling that is thus arranged).

h. Also claim 38, lines 7-10 are not clear because these limitations are not described in the specification (the specification never discloses that tearing the deforming metal sheet plate member absorbs load).

- i. Claims 43-45, 48-49, 52, 54, 58-61, 64, 68, and 70-73 either directly or ultimately depend from canceled claim 39.
- j. Since claim 38 now recites at least one load absorber being a sheet metal plate member, it is a double inclusion to recite a bent plate of sheet metal members in claim 47.
- k. Similarly, in claim 48, line 2 "the load absorber" should be "said at least one load absorber" in conformance with claim 38.
- m. Subparagraph k also applies to claims 49 and 58-59.
- n. Subparagraph j above also applies to claims 52-54.
- o. Claim 54 is not clear because there is no disclosure of this in the specification.
- p. In claim 81, it is not understood what is meant by "a tearing of metal" (this is not disclosed anywhere in the specification). Contrary to applicant's remarks in the response of 2/12/07, there is no place in the description of Figure 5 that specifies that metal is torn or how tearing metal absorbs load (i.e., how the sheet is attached so that absorbency is changed by tearing metal).
- q. In claim 84, it is inaccurate to recite the load absorption as rendered active by a locking action (it is already locked). Noting applicant's 2/12/07 remarks that this claim is referring to another embodiment of the invention, such an embodiment is not disclosed in the specification, nor illustrated in the drawings, nor disclosed in an enabling manner, nor elected by the applicant, each of which is required.



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r. Claims 47 and 52-54 are not clear because there is no disclosure of how a sheet metal plate with a tearing seam works (the specification does not discuss tearing).

### ***Claim Objections***

12. Claims 15-27 are objected to because of the following informalities: In claim 15, line 5, "parts" should be "part". Appropriate correction is required.

### ***Allowable Subject Matter***

13. Claims 1, 15, 38 and 77 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

14. Claims 2-14, 16-27, 40-45, 47-54, 58-61, 64, 68-73, 78-81, and 83-86 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

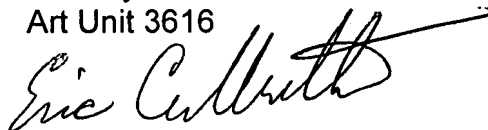
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth  
Primary Examiner  
Art Unit 3616



ec

Approved

EC

4/28/07

## Replacement Sheet

### Active safety steering column

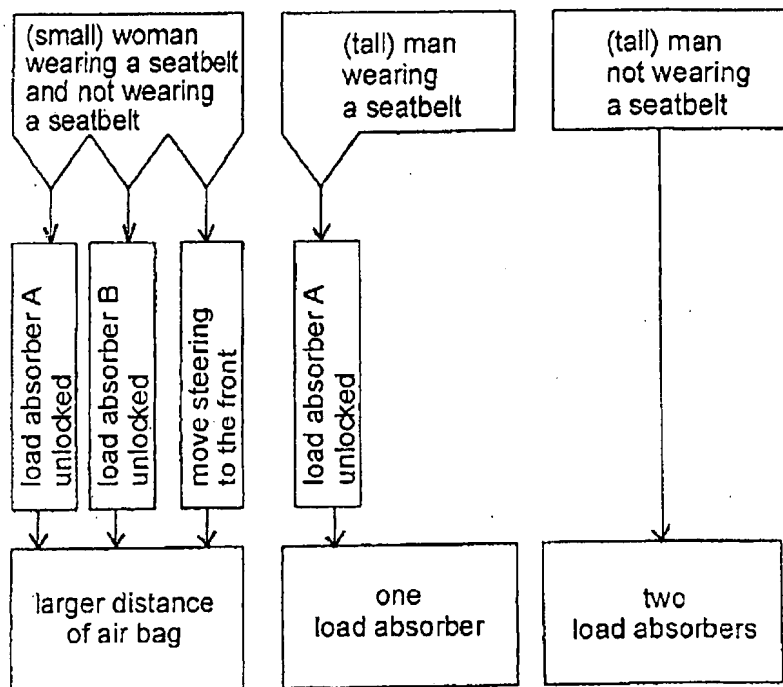


Fig. 1